

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

FB60543USw

U.S. APPLICATION NO. (if known, see 37 CFR 1.55)

10/576,492

INTERNATIONAL APPLICATION NO.

PCT/EP2004/011619

INTERNATIONAL FILING DATE

October 14, 2004

PRIORITY DATE CLAIMED

October 15, 2003

TITLE OF INVENTION

1-Benzoyl Substituted Diazepine Derivatives as Selective Histamine H3 Receptor Agonists

APPLICANT(S) FOR DO/EO/US

Gordon BRUTON; Anthony HUXLEY; Barry Sidney ORLEK; Kishore Kalidas RANA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (25) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/ISA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ An Application Data Sheet under 37 CFR 1.75.
18. ☐ A substitute specification.
19. ☒ A power of attorney and/or change of address letter.
20. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
21. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
22. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
23. ☐ Express Mail Label No.

U.S. APPLICATION NO (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
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24. Other items or information:

Statement under 37 CFR 3.73(h) with Assignment copy (9 pages)

The following fees have been submitted:	CALCULATIONS	PTO USE
25. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)). \$300	\$	\$0.00
26. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))		
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) . . . \$0	\$	\$0.00
All other situations. \$200		
27. <input type="checkbox"/> Search fee (37 CFR 1.492(b))		
If the written opinion of the ISA/US or the international preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) . . . \$0	\$	\$0.00
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the ISA as an International Searching Authority. \$100		
International Search Report prepared by an ISA other than the US and provided to the applicant previously communicated to the US by the ISA. \$400		
All other situations. \$800		
TOTAL OF 25, 26 and 27 =	\$	\$0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)).		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)
- 100 =	0	250 =
		0
		x \$250.00
	\$	\$0.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		
\$	\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	- 20 =	0
		x \$50.00
	\$	\$0.00
Independent claims	- 3 =	0
		x \$200.00
	\$	\$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00		
	\$	\$0.00
TOTAL OF ABOVE CALCULATIONS =		
	\$	\$130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		
	\$	\$0.00
SUBTOTAL =		
	\$	\$130.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		
	\$	\$0.00
TOTAL NATIONAL FEE =		
	\$	\$130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +		
	\$	\$0.00
TOTAL FEES ENCLOSED =		
	\$	\$130.00
		Amount to be
		\$
		Amount to be
		\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 07-1392 in the amount of \$ \$138.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

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Please

be advised that this is not recommended and by doing so your credit card information may be displayed via PAIR. To

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

CUSTOMER NO. 23347

Bonnie L. Deppenbrock
SIGNATURE

Bonnie L. Deppenbrock
NAME

28,209
REGISTRATION NUMBER

February 6, 2007
DATE